

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Daniel Humberto RODRIGUEZ Andrade

Case No. 2:24-mj-378

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/31/2024 in the county of Licking in the
Southern District of Ohio, the defendant(s) violated:

*Code Section**Offense Description*21 U.S.C. §§ 841(a)(1) and
841(b)(1)(C)

Possession with Intent to Distribute Heroin

8 U.S.C. §§ 1326(a) and 1326(b)(1)

Illegal Reentry of an Alien Removed Subsequent to a Felony Conviction

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

REBECCA L SH

Digitally signed by REBECCA L SH
Date: 2024.08.05 20:38:11 -04'00'*Complainant's signature*

Rebecca L. Shea, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: August 6, 2024City and state: Columbus, Ohio

Kimberly A. Tolson

United States Magistrate Judge



AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Rebecca Shea, a Special Agent with Homeland Security Investigations, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. Your affiant has been a Special Agent (SA) with Homeland Security Investigations (HSI) since 2009. As an HSI Special Agent, your affiant completed the Federal Criminal Investigator Training Program (CITP) and the HSI Special Agent Training Academy in February 2010. During CITP and the HSI Academy training, your affiant was instructed in all phases of criminal investigations such as: Criminal Law, Search and Seizure, Investigative Techniques, Firearms Proficiency, and Evidence Handling. Your affiant has led and participated in numerous investigations of crimes involving drug smuggling, firearms trafficking, immigration, and other violations.
2. Your affiant has been the case agent on multiple contraband smuggling investigations to include firearms trafficking and narcotics smuggling. Your affiant has been the affiant of federal Title III wire taps and the case agent on several Organized Crime and Drug Enforcement Task Force (OCDETF) cases. Your affiant is experienced with conducting surveillance, serving as the control agent for confidential sources, and investigating violations of the Immigration and Nationality Act (INA).
3. This affidavit is being submitted for the purpose of establishing probable cause that Daniel Humberto RODRIGUEZ-Andrade has violated 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) (Possession with Intent to Distribute Heroin) and 8 U.S.C. §§ 1326(a) and 1326(b)(1) (Illegal Reentry of an Alien Removed Subsequent to a Felony Conviction).
4. The information in this affidavit is based on my personal knowledge, information provided by other law enforcement officers and individuals, and the reports and memoranda of other law enforcement officers. The information in this affidavit is provided for the limited of establishing probable cause in connection with this application for a criminal complaint and an arrest warrant. This affidavit does not include all the information gathered during this investigation. The following information is based on my personal knowledge, the knowledge of other agents and officers, as well as investigations conducted by other law enforcement entities.

PROBABLE CAUSE – DRUG TRAFFICKING

5. On or about June 19, 2024, an HSI Source of Information (SOI) and Confidential Informant (CI) with the Central Ohio Drug Enforcement Task Force (CODETF) (hereinafter referred to as “SOI”) contacted HSI-Columbus. The SOI stated that a Hispanic male known to him as “Casemiro” is responsible for the trafficking of various narcotics within Central Ohio. Law enforcement later identified this unknown subject as Daniel Humberto RODRIGUEZ-Andrade (hereinafter referred to as “RODRIGUEZ”), a citizen of Mexico who has been previously removed from the United States.
6. On or about June 20, 2024, the SOI observed RODRIGUEZ driving a white 2012 Toyota RAV4 bearing Ohio license plate JTD-5058 (hereinafter referred to as the “TARGET

VEHICLE”). RODRIGUEZ made contact with the SOI and presented him with a sample of suspected cocaine.

7. A query of the Ohio Bureau of Motor Vehicles (OBMV) reveals the TARGET VEHICLE to be registered to Jose Aguilar Mendez LLC of 7254 Linda Trace, Reynoldsburg, Ohio 43068. Further documentation provided by OBMV indicates that the TARGET VEHICLE was purchased on or about March 25, 2022, by Jose Aguilar Mendez, LLC.
8. A search of License Plate Readers (LPR) showed that the TARGET VEHICLE was frequently parked outside the Rosebrook Village apartment complex located at or around 102 Rosebrook Court, Reynoldsburg, Ohio 43068.
9. Investigators have observed the TARGET VEHICLE parked in various spots around Rosebrook Court, Reynoldsburg, Ohio on several occasions.

June 27, 2024 UC Meeting and Tracker Installation

10. On or about June 27, 2024, HSI agents and CODETF investigators conducted an HSI Undercover (UC) meeting with RODRIGUEZ for the purpose of negotiating the possible purchase of kilograms of cocaine. The SOI was present at this and subsequent UC meetings in the role of interpreter as RODRIGUEZ’s native language is Spanish.
11. Prior to the meeting, Detective Richard Buehler applied for a search warrant for the electronic tracking of the TARGET VEHICLE. The Licking County Court of Common Pleas issued the search warrant for a period of 45 days (unless extended).
12. The SOI, the UC, and RODRIGUEZ met at the Kroger parking lot located at 350 East Broad Street, Pataskala, Ohio. While RODRIGUEZ’s vehicle was parked at another location, CODETF investigators installed a tracking device on the TARGET VEHICLE.
13. At the conclusion of the meeting, investigators surveilled RODRIGUEZ back to Rosebrook Court. Investigators observed RODRIGUEZ exit the TARGET VEHICLE and walk to the back side of the building, behind unit 150, where more units are located without the doors being observed from the parking lot.

July 31, 2024 UC Meeting and Subsequent Seizure

14. On or about July 28, 2024, the UC, the SOI, and RODRIGUEZ conducted a phone call. Throughout the conversation, the SOI translated for the UC and RODRIGUEZ. RODRIGUEZ informed the UC that he was in possession of 2,500 grams of black tar heroin and that he would sell it for \$80,000 to the UC. RODRIGUEZ also stated that he was in possession of 500 grams of cocaine.
15. On or about July 31, 2024, at approximately 1241 hours, investigators positioned themselves on the south side of Rosebrook Court in an effort to observe RODRIGUEZ as he exited his residence. An investigator observed the TARGET VEHICLE parked in front of unit 158 Rosebrook Court.
16. At approximately 1252 hours, the UC contacted RODRIGUEZ and they agreed to meet at the Kroger parking located at 350 East Broad Street, Pataskala, Ohio to complete the drug transaction.

17. At approximately 1315 hours, an investigator observed RODRIGUEZ exit unit 150 and walk towards the parking lot. The vehicle tracker alerted to possible movement, and an investigator observed RODRIGUEZ sitting in the driver's seat of the TARGET VEHICLE. Another investigator observed RODRIGUEZ depart Rosebrook Court at which point surveillance units observed RODRIGUEZ drive without making any stops to the meeting location in the Kroger parking lot.
18. At approximately 1340 hours, RODRIGUEZ, the SOI, and the UC made contact in the Kroger parking lot. The UC observed four taped bundles in a blue drawstring bag. There was one larger bundle and three smaller bundles. RODRIGUEZ informed the UC that the bundles contained 2,500 grams of black tar heroin. The UC agreed to purchase the narcotics for \$80,000. The UC then departed the location under the guise of retrieving the money for the transaction.
19. At approximately 1346 hours, RODRIGUEZ left the parking lot in the TARGET VEHICLE. While traveling westbound on East Broad Street at the cross street of Buckeye Boulevard, Pataskala, Ohio, Licking County Sheriff's Office deputies initiated a felony stop on the TARGET VEHICLE. During the course of clearing the TARGET VEHICLE, a deputy observed a blue drawstring bag sitting on the left rear passenger seat. The bag was open, and the deputy saw clear taped packages believed to be bulk amounts of narcotics.
20. A deputy deployed his state-certified narcotics K9, Nova, to conduct an open-air sniff on the vehicle. The K9 indicated a positive alert for the presence of narcotics on the driver's side of the TARGET VEHICLE.
21. During the subsequent search of the vehicle, deputies recovered the four bundles of suspected heroin from the blue drawstring bag in the backseat. Preliminary testing indicated that the substances are positive for the presence of heroin. A cell phone was also recovered from the TARGET VEHICLE. RODRIGUEZ was placed under arrest for violation of Ohio Revised Code § 2925.03 (Trafficking in Drugs) and transported to the Licking County Jail for processing.
22. During processing, RODRIGUEZ was found to be in possession of the following identification cards:
 - a. International Driver Document bearing the name Jose Aguilar Mendez of 7254 Linda Trace, Reynoldsburg, Ohio 43068. The date of birth listed is 9/20/1975 and country of birth listed is Mexico.
 - b. Driver's License from Mexico #9302A019823 bearing the name Jose Aguilar Mendez.
23. While RODRIGUEZ was being processed, an HSI agent utilized an EDDIE (EAGLE Directed Identification Environment) Neo Scan to confirm RODRIGUEZ's identity. The EDDIE Neo Scan is a mobile device that allows law enforcement to capture a person's biometric information and query law enforcement databases for any prior encounters for the purpose of identifying the individual.
24. Results from biometric queries indicated that the subject is Daniel Humberto RODRIGUEZ-Andrade, associated with FBI # 257935JB0, Alien # 077131498, and

Fingerprint Identification Number (FIN) 11166606. RODRIGUEZ and his FIN are also associated with multiple aliases and dates of birth, including the following:

- a. Daniel RODRIGUEZ Andrade
- b. Daniel Humb RODRIGUEZ Andrade
- c. Julio Cesar SALAS Moya
- d. George RODRIGUEZ Torres
- e. George TORRES
- f. Gorge TORREZ
- g. 1973-04-12
- h. 1976-04-12
- i. 1976-03-12
- j. 1975-08-15
- k. 1975-09-20

PROBABLE CAUSE – ILLEGAL REENTRY

25. RODRIGUEZ is a citizen of Mexico and has no legal status in the United States. A search of immigration databases and a criminal history search revealed the following immigration history.
26. On or about September 15, 1998, immigration officers encountered RODRIGUEZ (under the alias George RODRIGUEZ Torres) in Las Vegas, Nevada. On that same day, RODRIGUEZ was voluntarily removed from the United States.
27. On or about May 26, 2001, the U.S. Border Patrol apprehended RODRIGUEZ in Ajo, Arizona. RODRIGUEZ was suspected of smuggling aliens into the United States. On that same day, RODRIGUEZ was voluntarily removed from the United States.
28. On or about September 14, 2009, RODRIGUEZ was convicted of Possession with Intent to Distribute Cocaine in the District of Nevada and sentenced to a term of imprisonment. On or about March 26, 2010, RODRIGUEZ was released into Immigration and Customs Enforcement (ICE) custody following his release from High Desert State Prison. On or about April 2, 2010, ICE officers removed RODRIGUEZ from the United States through the Los Angeles, California Point of Entry.
29. On or about March 18, 2023, U.S. Border Patrol encountered RODRIGUEZ in Yuma, Arizona. RODRIGUEZ admitted to being a Mexican citizen and national living in the United States without any documentation to enter or remain in the United States. RODRIGUEZ also acknowledged his previous removals. On or about April 25, 2023, RODRIGUEZ was convicted of Illegal Reentry of a Removed Alien in the District of Arizona. He was sentenced to a term of imprisonment of six months and a term of supervised release of 36 months. On or about September 18, 2023, after his release from custody, RODRIGUEZ was removed from the United States.
30. As set forth above, on or about July 31, 2024, law enforcement officers encountered RODRIGUEZ in Pataskala, Ohio. RODRIGUEZ did not apply for permission to reenter the United States prior to this entry from either the Attorney General of the United States or the Secretary of the Department of Homeland Security.

CONCLUSION

31. Based on the foregoing, I submit that there is probable cause to believe that Daniel Humberto RODRIGUEZ-Andrade knowingly and unlawfully possessed with the intent to distribute a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).
32. Based on the foregoing, I further submit that there is probable cause to believe that Daniel Humberto RODRIGUEZ-Andrade is an alien who has previously been removed from the United States following a felony conviction and that he knowingly and unlawfully entered and was found in the Southern District of Ohio without obtaining the express consent of either the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States, in violation of 8 U.S.C. §§ 1326(a)(1) and 1326(b)(1).

REBECCA L
SHEA

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SHEA
Date: 2024.08.05 20:37:20
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Rebecca Shea
Special Agent
Homeland Security Investigations

Sworn to via telephone on this 6th day of August 2024 after submission of the Affidavit by reliable electronic means pursuant to Fed. R. Crim. P. 3, 4(d), and 4.1


Kimberly A. Johnson
United States Magistrate Judge

